

**ASSEMBLY BILL**

**No. 1293**

**Introduced by Assembly Member Oropeza**

February 22, 2005

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An act to amend Section 2025.520 of the Code of Civil Procedure, relating to production of evidence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1293, as introduced, Oropeza. Depositions.

Under existing law, when deposition testimony is stenographically recorded, the deposition officer is required to send written notice to the deponent and to all parties attending the deposition when the original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, except as specified.

This bill would authorize the deposition officer to provide that notice electronically, via e-mail.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 2025.520 of the Code of Civil  
2     Procedure is amended to read:  
3     2025.520. (a) If the deposition testimony is stenographically  
4     recorded, the deposition officer shall send written notice *or*  
5     *electronic notice, via e-mail*, to the deponent and to all parties  
6     attending the deposition when the original transcript of the  
7     testimony for each session of the deposition is available for  
8     reading, correcting, and signing, unless the deponent and the  
9     attending parties agree on the record that the reading, correcting,

1 and signing of the transcript of the testimony will be waived or  
2 that the reading, correcting, and signing of a transcript of the  
3 testimony will take place after the entire deposition has been  
4 concluded or at some other specific time.

5 (b) For 30 days following each notice under subdivision (a),  
6 unless the attending parties and the deponent agree on the record  
7 or otherwise in writing to a longer or shorter time period, the  
8 deponent may change the form or the substance of the answer to  
9 a question, and may either approve the transcript of the  
10 deposition by signing it, or refuse to approve the transcript by not  
11 signing it.

12 (c) Alternatively, within this same period, the deponent may  
13 change the form or the substance of the answer to any question  
14 and may approve or refuse to approve the transcript by means of  
15 a letter to the deposition officer signed by the deponent which is  
16 mailed by certified or registered mail with return receipt  
17 requested. A copy of that letter shall be sent by first-class mail to  
18 all parties attending the deposition.

19 (d) For good cause shown, the court may shorten the 30-day  
20 period for making changes, approving, or refusing to approve the  
21 transcript.

22 (e) The deposition officer shall indicate on the original of the  
23 transcript, if the deponent has not already done so at the office of  
24 the deposition officer, any action taken by the deponent and  
25 indicate on the original of the transcript, the deponent's approval  
26 of, or failure or refusal to approve, the transcript. The deposition  
27 officer shall also notify in writing the parties attending the  
28 deposition of any changes which the deponent timely made in  
29 person.

30 (f) If the deponent fails or refuses to approve the transcript  
31 within the allotted period, the deposition shall be given the same  
32 effect as though it had been approved, subject to any changes  
33 timely made by the deponent.

34 (g) Notwithstanding subdivision (f), on a seasonable motion to  
35 suppress the deposition, accompanied by a meet and confer  
36 declaration under Section 2016.040, the court may determine that  
37 the reasons given for the failure or refusal to approve the  
38 transcript require rejection of the deposition in whole or in part.

39 (h) The court shall impose a monetary sanction under Chapter  
40 7 (commencing with Section 2023.010) against any party,

1 person, or attorney who unsuccessfully makes or opposes a  
2 motion to suppress a deposition under this section, unless the  
3 court finds that the one subject to the sanction acted with  
4 substantial justification or that other circumstances make the  
5 imposition of the sanction unjust.

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